

BOARD OF APPEALS CASE NO. 4909

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BEFORE THE

APPLICANTS: Charles & Patricia Morris

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ZONING HEARING EXAMINER

REQUEST: Variance to construct an  
addition within the required rear yard  
setback; 1204 Queensway Court, Bel Air

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/7/99 & 4/14/99

HEARING DATE: May 26, 1999

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Record: 4/9/99 & 4/16/99

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Charles & Patricia Morris, appeared before the Hearing Examiner requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct an addition within the required 35 foot rear yard setback in an R2 District.

The subject parcel is located at 1204 Queensway Court in the Third Election District. The parcel is identified as Parcel No. 432, in Grid 4-D, on Tax Map 41. The parcel contains .264 acres, more or less, all of which is zoned R2/COS.

Mr. Charles Morris appeared and testified that he is requesting a variance to enclose a 12 foot by 21 foot existing deck to create a sun room. The Applicant said that he is requesting a reduction of his rear yard setback from 35 feet to 24 feet and that the subject property is unique because of the unusual shape of the parcel. Mr. Morris said the parcel is located on a cul-de-sac and the existing dwelling was located on the subject parcel on an unusual angle. The witness said that the sun room will not be heated or air conditioned, and he did not feel that approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of his neighbors appeared and testified in opposition to the request.

Mr. David Williams, 1202 Queensway Court, appeared and testified that his parcel adjoins the subject parcel and he felt that approval of the variance would have a positive impact because many of the other homes in the community have enclosed decks and sun rooms.

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The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

"The Department of Planning and Zoning recommends that the requested variance be approved due to the unique configuration of the lot and the existing topography."

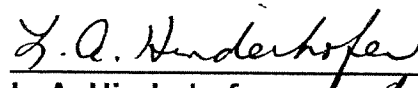
**CONCLUSION:**

The Applicants are requesting a variance to Section 267-36(B), Table V, of the Harford County Code, which requires a 35 foot rear yard setback in an R2 District. The Applicant testified that he is proposing a reduction of the rear yard setback to 24 feet and that the subject parcel is unique due to the location on a cul-de-sac and the angle on which the house was placed on the parcel. The Applicant and his neighbor indicated they did not feel the variance would be detrimental to adjacent properties or materially impair the purpose of the Code because no one testified in opposition to the request and because there are other homes in the neighborhood with enclosed decks and sun rooms.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to reduce the required rear yard to 24 feet is hereby recommended, subject to the condition that the Applicants obtain all necessary permits and inspections for the addition.

Date JUNE 11, 1999

  
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L. A. Hinderhofer  
Zoning Hearing Examiner